



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3480

133117

REPLY TO THE ATTENTION OF:

November 18, 1996

C-29A

BY FAX AND REGULAR MAIL

Rosemary McBride
Associate General Counsel
Electric Boat Corporation
75 Eastern Point Road
Groton CT 006340-4989

Re: Master Metals, Inc. Superfund Site
Independent Response Actions

Dear Ms. McBride:

I am writing to respond to your November 8, 1996 letter and accompanying scientific document packet to Thomas Alcamo, Remedial Project Manager ("RPM") for the Master Metals, Inc. ("MMI") Superfund Site (the "MMI Site" or the "Site"). As you are aware, U.S. EPA has designated Mr. Alcamo as the RPM for the MMI Site. Pursuant to 40 CFR Part 300.120, the RPM "directs response efforts and coordinates all other efforts at the scene."

As a preliminary matter, your November 8, 1996 letter's revelation that you have unilaterally and without such coordination removed what you apparently believe to be your only on-Site CERCLA hazardous waste from the MMI Site, coupled with your complete omission of any mention of this activity during our telephone conversation of November 7, 1996, casts a somewhat dimmer light on your activities than I had previously perceived. Unauthorized activities regarding the Site, such as those conducted on behalf of Electric Boat Corporation ("EBC") and described in recent conversations and correspondence, deeply disturb me on several levels. You are now on notice that any future unauthorized activities may be deemed unacceptable. In addition, EBC is specifically advised to cease entering the Site unless authorized by U.S. EPA.

As I explained to you and George Gill during our telephone conversation of November 7, 1996, the MMI Site is extremely dangerous without regard to who may enter it. Also as I explained to you both in that conversation, this danger is due to the presence of many factors including but not limited to lead-bearing toxic dust settled on the ground, many Site building and debris surfaces contaminated with lead and the presence of several partially-demolished and unstable structures. Any further unauthorized activities at the MMI Site, even if conducted by well-trained environmental personnel

such as you allege yours to be, may threaten further releases and may constitute an imminent and substantial endangerment to the public health or welfare or the environment within the meaning of CERCLA Section 106(a).

Further, individual unauthorized activities -- such as yours -- at Superfund sites adversely affect U.S. EPA's ability to focus its limited resources on expeditious response to the risks posed by those sites. This interference with U.S. EPA's activities becomes unmanageable when, as at the MMI Site, there are potentially tens if not hundreds of parties that may have an interest in conducting similar activities. In addition, if such unauthorized activities are improperly conducted they may exacerbate site risks to human health and the environment, result in additional health and safety risks to the responsible PRP's employees, contractors, etc. and ultimately result in increasing, rather than limiting, the responsible PRP's liability for the site.

I also have specific concerns regarding EBC's activities at the MMI Site. As you are aware, U.S. EPA is preparing an Order for removal of hazardous wastes from the MMI Site. Within 10 calendar days of receipt of this facsimile, please provide a letter, manifest, and appropriate documentation demonstrating that your contractor's facility in Spring Grove, which received one (1) drum of EBC's hazardous substances from the MMI Site, complies with the CERCLA Off-Site Policy Rule, 40 CFR 300.440.

U.S. EPA also has additional concerns regarding EBC's unilateral on-Site activities that could have been avoided or minimized had EBC coordinated its activities with U.S. EPA. Such coordination would have addressed issues such as the health and safety of your workers and the quality assurance and quality control (QA/QC) of your sampling and analytical activities. I note that you have requested U.S. EPA to review your scientific documents, which include the analytical results of samples taken by your contractor. We are currently reviewing these documents.

Finally, I wish to address a misconception on your part that may have informed your decision to proceed with uncoordinated Site activities. Your client's status as a PRP was and will be evaluated by U.S. EPA solely on the basis of whether it sent CERCLA hazardous waste -- as defined in CERCLA Section 101(14) -- to the MMI Site. It is apparent from your correspondence that EBC generated CERCLA hazardous substances to the Site. Therefore, in the eyes of U.S. EPA, EBC's PRP status remains unchanged by its recent on-Site activities. Pursuant to CERCLA Section 107, PRPs are jointly and severally liable for all site-related response costs. See also 40 CFR Part 300.700(a).

I will be in touch with you as soon as your materials have been given a proper evaluation. In the meantime, you should consider your client to be a PRP at this Site and comport yourself accordingly. If you have any questions regarding this letter or any other matter you may contact me at your convenience at (312) 886-6827.

Sincerely,



Kris P. Vezner
Assistant Regional Counsel

cc: Thomas Aloamo, SR-6J
Stuart Hersh, C-29A
Robert Casarosa, CCSL&G